

1 The Honorable Marsha J. Pechman
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GERALD FISK,)
Plaintiff,) NO. CV05-1068P
v.) JOINT STATUS REPORT
METABOLIFE INTERNATIONAL, INC.,)
THE CHEMINS COMPANY, INC. and)
ALPINE HEALTH PRODUCTS, L.L.C.,)
Defendants.)

)

The undersigned parties make the following Joint Status Report in response to the Court's Minute Order dated November 6, 2006.

The above-captioned case is part of group of ephedra-related personal injury lawsuits brought against Metabolife International, Inc. and related entities. Defendant Metabolife International, Inc. filed for bankruptcy under Chapter 11 of the United States Bankruptcy Code, and these cases were stayed. On November 2, 2005, Chief Judge Irma E. Gonzalez, of the United States District Court for the Southern District of California, granted the petition of Debtor-in-Possession Metabolife International, Inc. to have all Ephedra-related lawsuits pending in courts other than the Southern District of New York, transferred to the Southern District of

JOINT STATUS REPORT - 1
Case No. CV05-1068P

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1 California for Resolution. See Order Granting Petition of Debtors-in-Possession Pursuant to 28
2 U.S.C. § 157(b)(5), Exhibit A to Notice of Transfer dated December 2, 2005.

3 Following that Order, Judge Gonzales entered the Supplement Order Regarding Transfer,
4 attached to this Joint Status Report, on December 2, 2005. The Supplemental Order contained,
5 as Exhibit A, a list of non-MDL Ephedra actions. The above-captioned case, Fisk v. Metabolife,
6 was not included in this list purportedly due to the timing of its initial filing and notice to the
7 MDL panel. However, Fisk v. Metabolife has been included in a global settlement reached in
8 the bankruptcy action, which is expected to be approved by the bankruptcy court sometime in the
9 Spring of 2007. Final approval of the settlement of Fisk v. Metabolife will extinguish plaintiff
10 Fisk's claims and the above-captioned matter will be dismissed. Therefore, the undersigned
11 respectfully request that this Court stay any action on this matter until June 2007, to allow the
12 global settlement to be finalized.

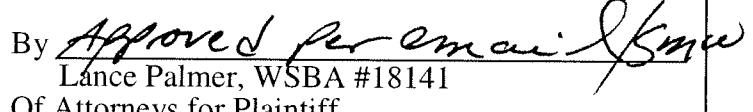
13 DATED this 16th day of November, 2006.

14 MERRICK, HOFSTEDT & LINDSEY, P.S.

15
16 By 
17 Andrew C. Gauen, WSBA #5633
18 Shannon M. Whitemore, WSBA #31530
19 Of Attorneys for Defendants

20 DATED this 16th day of November, 2006.

21 KRAFT PALMER DAVIES, PLLC

22 By 
23 Lance Palmer, WSBA #18141
24 Of Attorneys for Plaintiff